

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

1

Court Minutes

May 4, 2009

1005951-09

THE HONORABLE FRED K. MORRISON, Retired Associate Justice of the Court of Appeal, Third Appellate District, is hereby assigned to assist the Court of Appeal, Third Appellate District, as a justice thereof, on the following date(s):

June 1, 2009 To July 31, 2009

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

Dated: April 3, 2009

RONALD M. GEORGE
Chief Justice of California
and Chairperson of the Judicial
Council

At 9:50 a.m., the court met at the Turtle Rock Park Community Center in Markleeville, California for a special court calendar session. Present were Scotland, Presiding Justice; Sims, Associate Justice; Butz, Associate Justice; and Bruggman, bailiff. Calendar called.

C057995

THE PEOPLE v. MICHAEL EUGENE JAMES

Cause called. Laurie Wilmore, court appointed counsel, argued for appellant. Michael Dolida, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:36 a.m., the court recessed. At 10:39 a.m., the court reconvened with Scotland, Presiding Justice; Sims, Associate Justice; and Butz, Associate Justice.

C058221

MCCARTNEY v. PHYSICIAN ASSISTANT COMMITTEE OF THE MEDICAL BOARD OF CALIFORNIA

Cause called. E.A. Jones, III, Deputy Attorney General, argued for appellant. Sunil Sundar argued for respondent. Cause submitted.

At 12:02 p.m., the court recessed until 9:30 a.m. on Monday, May 18, 2009.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

2

Court Minutes

May 4, 2009, Continued

- C058355 THE PEOPLE v. (Not For Publication)**
BOUAKHANAH BO PHETCHAMPHONE
The judgment is affirmed. The trial court is directed to correct the abstract of judgment to reflect imposition of the upper term for violation of Penal Code section 273.5, subdivision (a) and to forward a certified copy of the corrected abstract to the Department of Corrections and Rehabilitation.
RAYE, J.
We Concur: Nicholson, Acting P.J.
Cantil-Sakauye, J.
- C058468 THE PEOPLE v. (Not For Publication)**
RUDY MAMARIL et al.
The matter is remanded for resentencing as to Mamaril in accordance with our directions in part II of the Discussion. In all other respects, defendants' convictions and sentences are affirmed.
RAYE, J.
We Concur: Nicholson, Acting P.J.
Cantil-Sakauye, J.
- C058666 THE PEOPLE v. (Not For Publication)**
LYDELL IVAN BUIE
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Raye, Acting P.J.
Robie, J.
- C058674 THE PEOPLE v. RUSSELL JONES (Not For Publication)**
The judgment is modified by striking the suspended restitution fine. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy of the Department of Corrections and Rehabilitation.
HULL, J.
We Concur: Scotland, P.J.
Butz, J.
- C060252 THE PEOPLE v. (Not For Publication)**
JASON MICHAEL JUDD
The judgment is affirmed.
HULL, J.
We Concur: Raye, Acting P.J.
Robie, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

3

Court Minutes

May 4, 2009, Continued

C057107 **in re MALCOLM B.; THE PEOPLE v. MALCOLM B.** **(Not For Publication)**

The order committing appellant to DDS is affirmed.

SCOTLAND, P.J.

We Concur: Sims, J.
 Nicholson, J.

C060219 **in re E.R. et al.; YOLO COUNTY DEPARTMENT OF EMPLOYMENT AND SOCIAL SERVICES v. V.R.** **(Not For Publication)**

The order terminating parental rights is affirmed.

HULL, J.

We Concur: Raye, Acting P.J.
 Robie, J.

May 5, 2009

C059672 **THE PEOPLE v. MICHAEL SHAWN BONSER** **(Not For Publication)**

The judgment of civil commitment is affirmed.

SCOTLAND, P.J.

We Concur: Raye, J.
 Butz, J.

May 6, 2009

C056671 **THE PEOPLE v. DALE LEROY YEADON** **(Not For Publication)**

The judgment is affirmed.

HULL, J.

We Concur: Scotland, P.J.
 Robie, J.

C058174 **THE PEOPLE v. WATHANACK SUON** **(Not For Publication)**

The judgment is affirmed.

BUTZ, J.

We Concur: Nicholson, Acting P.J.
 Hull, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

4

Court Minutes

May 6, 2009, Continued

C058554 THE PEOPLE v. (Not For Publication)
AMANDA SUE NELSON

The judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect an additional 240 days of custody credit, for a total of 378 days of credit. The court is further directed to send a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.

SCOTLAND, P.J.

We Concur: Raye, J.
Butz, J.

C058851 In re M.B. et al.; DEPARTMENT OF (Not For Publication)
HEALTH AND HUMAN SERVICES v. A.B.

The order of the juvenile court denying the petitions for modification is affirmed.

BLEASE, Acting P.J.

We Concur: Raye, J.
Robie, J.

May 7, 2009

C053450 THE PEOPLE v. (Not For Publication)
ROY LEE GEORGE, JR. et al.

The judgment is affirmed.

BLEASE, Acting P.J.

We Concur: Robie, J.
Cantil-Sakauye, J.

C059200 THE PEOPLE v. (Not For Publication)
RICHARD ALLEN SCOTT

The judgment is affirmed.

ROBIE, J.

We Concur: Nicholson, Acting P.J.
Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

5

Court Minutes

May 7, 2009, Continued

- C055305 GATES et al. v. ARREDONDO et al. (Not For Publication)**
CHANDLER et al. v. GATES et al.
The judgment is modified to vacate the award of damages and attorney fees. Alternatively, the neighbors may file an amended complaint and/or cross-complaint to allege a specific amount of damages. If an amended complaint and/or cross-complaint is filed, the default judgment will be vacated, the default set aside, and appellants will be permitted to file a responsive pleading. The judgment is affirmed in all other respects. The neighbors are awarded costs on appeal.
We Concur: RAYE, Acting P.J.
 Hull, J.
 Butz, J.
- C056452 HALLMEYER v. (Not For Publication)**
DIMITROPOLOUS et al.
The judgment is reversed. Hallmeyer shall recover costs on appeal.
We Concur: RAYE, J.
 Blease, Acting P.J.
 Cantil-Sakauye, J.
- C059631 In re C.F. et al.; SACRAMENTO COUNTY (Not For Publication)**
DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. S.F.
The orders of the juvenile court denying appellant's petition for modification and terminating her parental rights are affirmed.
We Concur: CANTIL-SAKAUYE, J.
 Raye, Acting P.J.
 Butz, J.
- C059740 Guardianship of KATHLEEN M.; JOSEPH (Not For Publication)**
M. et al. v. HEATHER M.
The judgment is affirmed.
I concur: BUTZ, J.
I concur in the result: Cantil-Sakauye, J.
 Raye, Acting P.J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

6

Court Minutes

May 8, 2009

**C057099 THE PEOPLE v. (Certified For Partial Publication)
DARIOUS ANTOINE MAYS**

The trial court is directed to correct the abstract of judgment... The trial court shall forward a certified copy of the corrected abstract of judgment to the Department of Corrections and Rehabilitation. The judgment is otherwise affirmed.

SIMS, Acting P.J.

We Concur: Hull, J.
Butz, J.

**C057745 THE PEOPLE v. (Not For Publication)
PAUL STEPHEN JOHNSON**

The judgment is affirmed.

ROBIE, J.

We Concur: Blease, Acting P.J.
Raye, J.

**C058347 BALDWN RANCH LIMITED (Not For Publication)
PARTNERSHIP v. OWENS MORTGAGE
IVESTMENT FUND et al.**

THE COURT:

It is ordered that the opinion filed herein on April 24, 2009, be modified as follows:

On page one, footnote 1, change "Baldwin" to "Owens."

On page one, footnote 1, the last word in the second sentence, "plaintiff" is changed back to "defendants."

There is no change in the judgment.

BY THE COURT:

HULL, Acting P.J.
Robie, J.